

ART IN PUBLIC PLACES

Public Artist Handbook
A Guide to the Commission Process



The Art in Public Places program of the Washington State Arts Commission brings artwork directly into the built environment where community members study, work, and gather.

ART IN PUBLIC PLACES PROGRAM

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ON THE COVER: Cappy Thompson, *I Imagine Us as a Holy Family Engaging in the Great Work of Increasing the Light* (detail), 2006. Vitreous enamel on float glass with areas of reverse-laminated stained glass, 10' x 66'.
Commissioned by the Washington State Arts Commission in partnership with The Evergreen State College.

ART IN PUBLIC PLACES PUBLIC ARTIST HANDBOOK

This quick reference guide provides a broad overview for public artists commissioned to create artwork through the Washington State Arts Commission.

While hopefully informative, this handbook does not supersede binding contracts or take the place of working with your Art in Public Places Project Manager.

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ART IN PUBLIC PLACES PROGRAM OVERVIEW

HISTORY

In 1974, Washington's Legislature established the Art in Public Places (AIPP) Program of the Washington State Arts Commission (ArtsWA). Washington was the second state after Hawaii to establish a percent-for-art program and is still one of only a few states that include public schools as participants. Washington's AIPP Program is viewed as a leader in the public art field because of its history, process, and diversity.

In an effort to better serve constituents across Washington, the percent-for-art legislation was revised in 1983 to allow for the pooling of artwork allocations for statewide programming. In 2005, further revisions allowed for a portion of artwork allocations to be used for conservation of the growing State Art Collection.

FUNDING



Alfredo Arreguin, *The Froth* (detail), 1996. Stained leaded glass, 120" x 240" x 1". Commissioned by the Washington State Arts Commission in partnership with the Department of Ecology.

The acquisition of artwork for the State Art Collection, conservation of this artwork, and the administration of the AIPP Program receive their funding from state-funded capital construction projects. When a state agency, K-12 public school, university, or college constructs a public building, ½ of 1% of the state's portion of the construction costs is added to acquire artwork.

The art allocation for state agencies and public schools applies only to new construction. Universities and colleges also receive the ½ of 1% art allocation for renovation projects exceeding \$200,000.

ART IN PUBLIC PLACES PROGRAM OVERVIEW

GOALS

Acquisitions

- Shape an inclusive State Art Collection to represent the quality and diversity of professional artistic production
- Facilitate the placement of significant, unique, contemporary, works of art that are deliberately sited in public places throughout Washington

Collaborations

- Generate creative partnerships with public schools, state agencies, colleges, and universities
- Address disparity of public art access through the *State Art Collection*.
- Provide public access through in-person and online experiences
- Promote diversity in art selection committees
- Engage committees to make decisions based on local criteria

Technical Assistance

- Provide technical expertise in artwork siting, overall project management, and public art planning
- Support the artistic process while ensuring that commissioned works are high-quality, durable, and maintainable
- Sustain responsiveness to artists and partner agencies while minimizing administrative costs

Stewardship

- Provide collection management services including routinely scheduled artwork inventory, condition status reports, conservation implementation, and re-siting and deaccession as required
- Educate our partner agencies about artwork maintenance and promote responsible stewardship
- Require a preliminary conservation consultation and full conservation review of artwork before a proposal is accepted, addressing potential maintenance and conservation concerns proactively

ART IN PUBLIC PLACES PROGRAM OVERVIEW

STATE ART COLLECTION

Artwork acquired through the ½ of 1% art allocation becomes the property of the State of Washington, with collection administration provided by the AIPP Program of ArtsWA. All of the artworks acquired under the AIPP Program are viewed collectively as the State Art Collection, which:

- Is a contemporary collection
- Comprises over 4,500 artworks
- Is sited in the state's colleges, universities, public schools, and state agencies
- Includes both two and three-dimensional, free-standing, and integrated artworks
- Includes notable local, regional, and national artists

The AIPP Program does not commission artworks that are deemed too costly to maintain (e.g., water features) or where the artwork could be construed as simply a design project (e.g., mascots, clock towers, or memorials) rather than a unique, well-considered artistic expression. All commissioned site-responsive artworks are unique and may not be editioned.

Additionally, the use of certain materials in specific environments (i.e. wood in exterior environments) will be reviewed by your AIPP Project Manager who will determine if the proposed materials are appropriate for the climate and site. Please reference the *Materials and Fabrication Handbook* for more information:

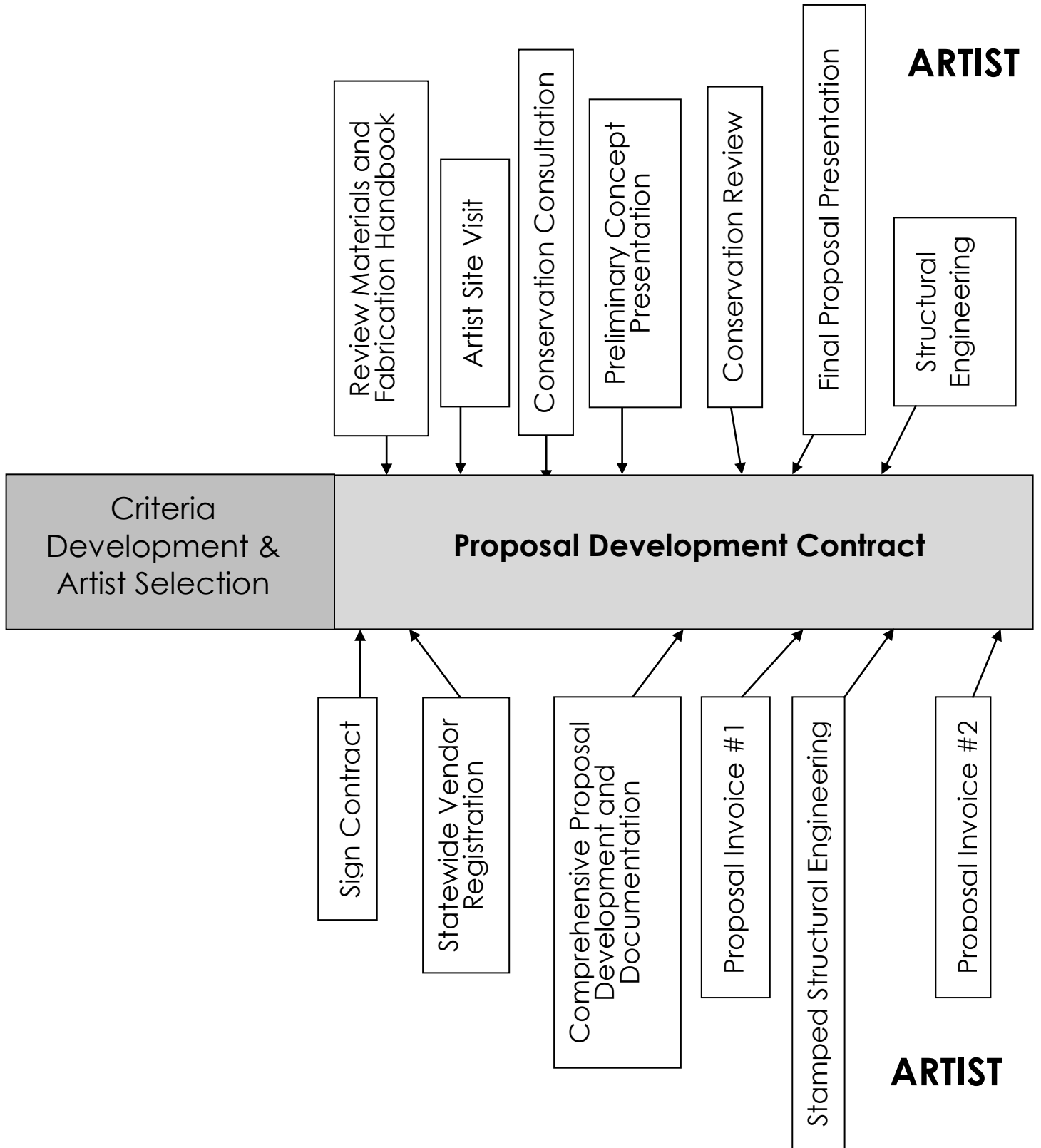
<http://www.arts.wa.gov/media/dynamic/docs/Materials-and-Fabrication-Handbook.pdf>.



Elizabeth Mapelli, *Curves of Life* (detail), 2006. Cement and epoxy terrazzo with brass and zinc, 576" x 576".

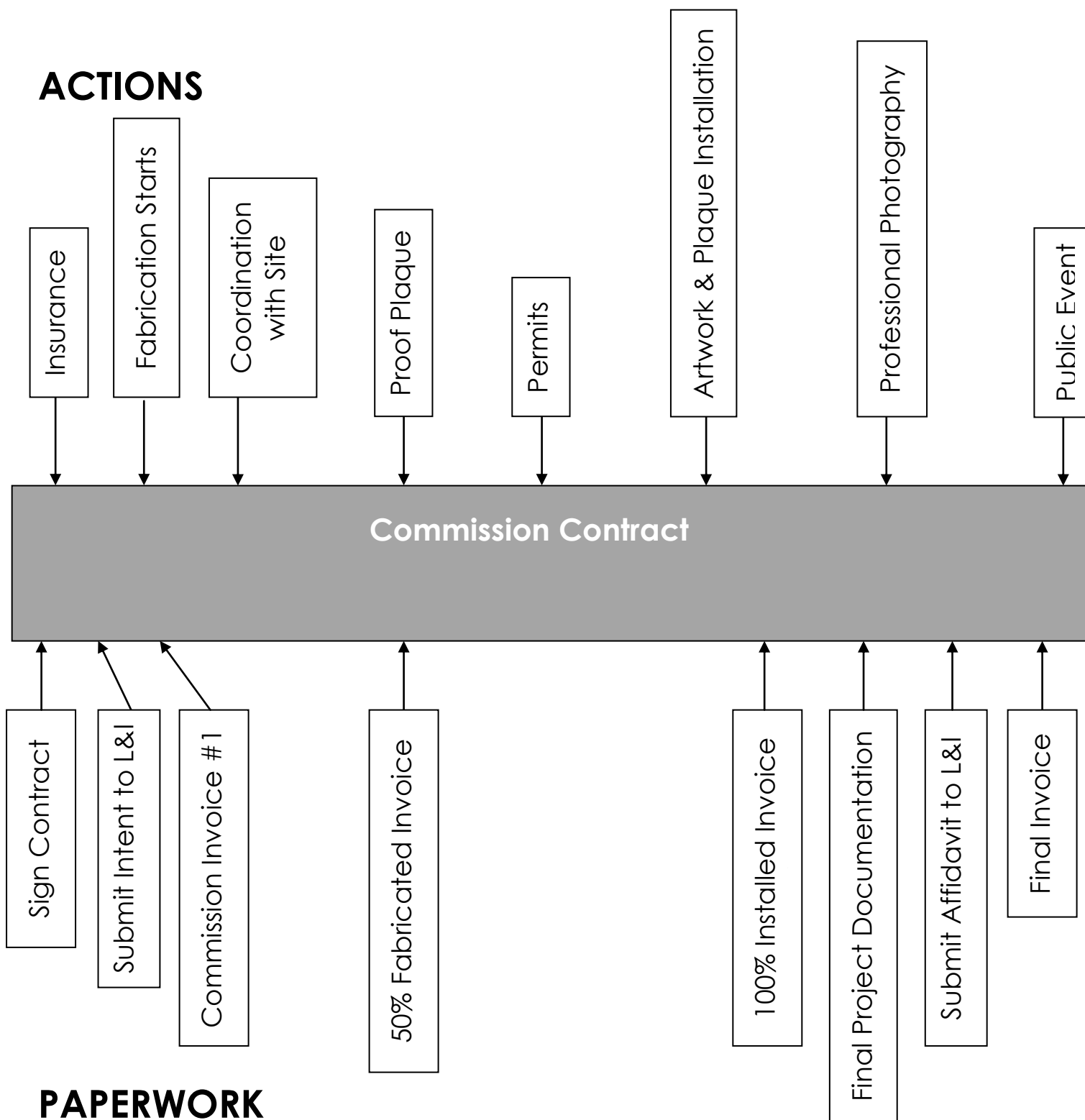
Commissioned by the Washington State Arts Commission in partnership with Spokane Community College.

PROPOSAL DEVELOPMENT



AND COMMISSION PROCESS

ACTIONS



ARTIST SELECTION PROCESS

ART SELECTION COMMITTEES

An Art Selection Committee is formed by the partner agency, who most often hosts the site and whose state-funded capital construction project generated the funding. The committee is representative of the agency and the surrounding community. There are typically 5-7 voting members and perhaps non-voting advisory members. An AIPP Project Manager facilitates the committee's 6-meeting art selection process.

The AIPP Project Manager meets with the Art Selection Committee three times before you, the selected artist, meet with them. The Art Selection Committee will:

- Participate in an orientation
- Discuss the role of public art in society
- Develop broad criteria for the future artwork
- Identify target audiences
- Identify sites that are most relevant to the criteria
- Review artist portfolios in the Public Artist Roster
- Develop a short list of 15-25 artists for further portfolio review
- Select a single artist (or artist team) to develop a proposal
- Host a public event to celebrate the artwork once installed

Once selected, you meet with the Art Selection Committee three times: at the Artist Site Visit, Preliminary Concept Presentation, and Final Proposal Presentation. The Art Selection Committee reviews your proposal and can:

- 1) Accept the proposal as presented
- 2) Accept the proposal with refinements
- 3) Reject the proposal

ARTIST SELECTION PROCESS

CONTRACTS

If you are selected to create an artwork for the State Art Collection you may enter into two separate contracts - the Proposal Development Contract and the Commission Contract.

You are first awarded the Proposal Development Contract when selected by the Art Selection Committee. The Proposal Development contract includes four specific obligations:

- 1) Meet with the Art Selection Committee and tour the site
- 2) Develop and present a concept and design
- 3) Participate in a conservation consultation and review
- 4) Provide stamped structural engineering

If the Art Selection Committee (and their authorizing body) and the AIPP Program accepts your concept and agrees on fabrication and installation materials and techniques, you then are awarded the Commission Contract to fabricate and install the artwork.

Both the Proposal Development Contract and the Commission Contract are between you and ArtsWA. A contract addendum between you, the partner agency, and ArtsWA is written if the partner agency obligates itself to provide services or materials that contribute to the fabrication or installation of the artwork.

ArtsWA enters into a separate Interagency Agreement with the partner agency that obligates the partner agency to provide stewardship for the artworks in the State Art Collection sited at their facilities.



Gloria Bornstein, *Field of Wishes* (detail), 2003. Stainless steel, 156" x 36" x 36". Commissioned by the Washington State Arts Commission in partnership with Olympic College.

PROPOSAL DEVELOPMENT CONTRACT

MAIN CONTACT & LINE OF COMMUNICATION

An AIPP Project Manager is your main contact. The AIPP Project Manager facilitates the proposal approval process, negotiates contracts, and serves as a liaison between you, the partner agency, and the state.

During the proposal development phase all communication with the Art Selection Committee should be conveyed through your AIPP Project Manager.

REQUIRED BUSINESS LICENSES

To do business in the State of Washington you must be registered as a statewide vendor. If you are not already registered, please visit the Office of Financial Management's website for more information:

<http://des.wa.gov/services/ContractingPurchasing/Business/VendorPay/Pages/default.aspx>.

If you are an in-state artist you must also have a Unified Business Identifier (UBI #) from the Department of Licensing. There is a \$15 fee to secure a UBI number. For more information visit: <http://bls.dor.wa.gov/file.aspx>.

Failure to have the correct licenses in place may delay payment.

CONTRACT FEE AND STATE TAX

The Proposal Development Contract fee is based on a sliding scale determined by the project budget. State sales/use tax is not applied to the Proposal Development Contract fee. An IRS W-9 form will be mailed for your completion with the Proposal Development Contract and an IRS 1099 form will be mailed in January of the following year.

DIRECT DEPOSIT PAYMENTS

Electronic Funds Transfer is the State of Washington's preferred method of payment. To sign up, use the Statewide Vendor Registration form, cited above. You may sign up for direct deposit at the time you register as a statewide vendor or at any point in the future.

PROPOSAL DEVELOPMENT CONTRACT

MATERIALS & FABRICATION

Because the State Art Collection is located in the public realm, not in a museum setting, it is imperative that durable materials are used. The AIPP Program contracts for a well-crafted artwork that will withstand fluctuations in the physical environment and countless audience interactions. Most public artworks have a minimum life of 30 years. Under the Commission Contract, you warranty the materials, fabrication techniques, and installation methods for a minimum of two years or as determined by your AIPP Project Manager. You should work with your primary subcontractors to ensure that they too will warranty their work for the same period, or you could be obliged to repair their work at your own cost.



Pam Beyette, *Alluvial Benchmarks* (detail), 2003. Glass-beaded stainless steel, carved granite, bronze, 40-48" x 50-54" x 5" each. Commissioned by the Washington State Arts Commission in partnership with White River School District.

Materials, engineering, and fabrication, along with the routine maintenance provided by the partner agency, are key to keeping an artwork in excellent condition throughout its lifespan.

ArtsWA will bring you together with a conservation professional to discuss and consider material compatibility and fabrication techniques. The *Materials and Fabrication Handbook* has been created to supplement your Conservation Consultation, Conservation Review, and personal materials research.

Many public artists subcontract with a fabricator to create the artist-designed artwork. This practice is highly encouraged if you do not have the skill, experience, or studio space to create the artwork you have envisioned. While subcontracting with a professional fabricator may be an additional expense, the quality can pay for itself in reduced conservation requirements and it can help maintain your reputation as a provider of well-crafted artworks.

PROPOSAL DEVELOPMENT CONTRACT

PREVAILING WAGES

Because your project is a public works contract, you are required to pay prevailing wages where applicable. During the Commission Contract, you will need to submit two forms to the Department of Labor and Industries. The first is the Statement of Intent to Pay Prevailing Wages, and should be submitted before any work is started. The second is the Affidavit of Wages Paid and should be submitted after all work is completed. Each form has a \$40 filing fee, and must be filled out **whether or not your project requires paying any prevailing wages**. Forms can be found here:

<http://www.lni.wa.gov/TradesLicensing/PrevWage/FormPub/default.asp>

For information on current prevailing wages in localities throughout the state, visit: <http://www.lni.wa.gov/TradesLicensing/PrevWage/WageRates/>.

LEED

The Leadership in Energy and Environmental Design (LEED) Green Building Rating System is a third-party certification program and the nationally accepted benchmark for the design, construction, and operation of high performance green buildings. Washington State is committed to constructing LEED certified buildings. Many committees will ask you to consider this when designing and lighting your artwork.

LIGHTING

Lighting, as with other components of the artwork, should include durable fixtures that utilize long life, energy efficient lamps. Easy access to the fixtures, transformers, and lamps is important to assure that fixtures can be replaced if they fail or become obsolete and lamps can be traded out as required. Lighting elements can be your responsibility or, should they agree, the responsibility of the partner agency.

When lighting an exterior artwork, “down” lighting should be a consideration of the night sky. Many LEED projects have down lighting as a requirement of their certification. Up-lighting should be carefully considered in consultation with the partner agency.

PROPOSAL DEVELOPMENT CONTRACT

MODEL RELEASES

When a recognizable likeness of a living person is a part of your artwork, you must provide your AIPP Project Manager with an original, signed release of the model. In the case of a minor, the release must be signed by a parent or legal guardian. Releases will become a part of the artwork's permanent record. Forms are available through the AIPP program.

PERMISSIONS

You shall obtain written permission for any copyrighted material used in your artwork prior to final proposal approval. This original documentation will become part of the artwork's permanent file.

SAFETY

Safety is of vital importance beginning with design, during fabrication, and lasting through the life of the artwork. When thinking about safety, you must consider the fabrication method, materials, artwork location, and audience interaction with the artwork.

In all cases, artwork design, fabrication, and installation must comply with local/state/federal health & safety and building codes. You are responsible for understanding and adhering to safety code as well as obtaining work permits.

Steps can be taken to reduce safety concerns while still allowing the public to interact with the artwork. For 2-D work consider materials, location, presentation methods, and security attachments. For 3-D work consider materials, location, engineering, and such factors as "climbability."

PROPOSAL DEVELOPMENT CONTRACT

ACCESSIBILITY

ArtsWA strives for accessibility. When designing an artwork and selecting an artwork location, you should consider the Americans with Disabilities Act (ADA). The law addresses providing people with disabilities a meaningful opportunity to participate in and benefit from services and programs, and doing so in the most integrated way possible.

When designing the identification plaque, you should consider font size and style to achieve readability. Plaque location should consider audience members in wheel chairs and/or with limited sight.

For more information about accessibility, visit <http://www.ada.gov/>.

TIMELINE

Proposal development is typically between four and six months in duration. Within this time frame you have three required meetings with the Art Selection Committee: Artist Site Visit, Preliminary Concept Presentation, and Final Proposal Presentation. Your AIPP Project Manager facilitates these meetings.

You will also participate in a Conservation Consultation with a Conservator, provide deliverables for a Conservation Review, and provide stamped structural engineering, as required.

ARTIST ELIGIBILITY

If you are selected for a commission, you become ineligible for new commissions for a period of 2 years from the date you sign the Commission Contract. This waiting period allows for a diverse collection for our citizens and gives opportunities to more artists.

When this time period ends you are asked to update your portfolio and are again eligible if services have been performed according to contractual obligations.

PROPOSAL DEVELOPMENT CONTRACT

REQUIRED COMMITTEE MEETINGS & CONSULTATIONS

You are required to participate in three Art Selection Committee meetings: Artist Site Visit, Preliminary Concept Presentation, and Final Proposal Presentation. Out-of-state artists may teleconference to the last two meetings if approved by your AIPP Project Manager. This option should be carefully considered; nothing takes the place of presenting your ideas in person. Travel savings are applied to the Commission Contract.

During meeting travel, you can extend your stay for research and/or to meet with the architect. Additional travel expenses must be authorized by your AIPP Project Manager and may then be included in your travel reimbursement.

In addition to the required meetings, you will have two opportunities to work with a conservator to ensure that your work is able to withstand the public environment: Conservation Consultation and Conservation Review. While the Art Selection Committee will approve your artwork concept and location, your AIPP Project Manager must approve your materials, finishes, and fabrication and installation techniques. Approval is based in part on the Conservation Review.

STEP 1: REVIEW MATERIALS & FABRICATION HANDBOOK

High quality and compatible materials, well designed and crafted fabrication, and engineering are key to keeping an artwork in excellent condition throughout its lifespan. To assist you in this effort, AIPP has developed the *Materials and Fabrication Handbook*.

Familiarize yourself with the handbook prior to your Artist Site Visit. The handbook will help you consider long-term maintenance and future conservation issues in the design, fabrication, and installation of your artwork. This handbook is updated regularly and can be found on ArtsWA's website at www.arts.wa.gov.

PROPOSAL DEVELOPMENT CONTRACT

STEP 2: ARTIST SITE VISIT

This meeting is an exchange of information between you and the Art Selection Committee. The meeting includes:

- Your presentation of past work and discussion of imagery, inspiration, and approach to the commissioning process
- Discussion of Art Selection Committee perspective, including why you were selected, their broad artwork criteria, artwork sites for consideration, target audiences, agency and community culture, hopes for what the artwork will bring to their community, and any concerns they might have
- Tour of the campus or building, if a building is the specified location for the artwork (If the building is in design development, the architect, or a partner agency representative will typically supply renderings and elevations to you.)

STEP 3: CONSERVATION CONSULTATION

The Conservation Consultation is an opportunity to consult a conservator in the early stages of your proposal development. ArtsWA contracts with the conservator on your behalf. The one hour meeting should be completed at least two weeks before your Preliminary Concept Presentation. Your AIPP Project Manager may want to sit or phone in on the meeting; this meeting is an important learning opportunity for you and your AIPP Project Manager. One week in advance of an in person or phone meeting with the conservator you present in writing to your AIPP Project Manager:

- Your concept/s
- Artwork location description and/or site plan or photographs of the site (if existing)
- Materials under consideration
- General fabrication methods
- Possible protective finishes
- Reversible installation methods
- Artwork budget for which you are designing
- Imagery (drawings, sketches, any visual representation)

PROPOSAL DEVELOPMENT CONTRACT

Use the meeting to discuss ways to accomplish your idea and how choices, as well as the environmental and social factors at the site, may impact the long and short-term condition of the artwork. The conservator may also be able to help you determine if your concept is feasible within your budget.

After your Conservation Consultation and before your Preliminary Concept Presentation, discuss your proposal direction and share all revised documentation with your AIPP Project Manager.

STEP 4: PRELIMINARY CONCEPT PRESENTATION

The Preliminary Concept Presentation is your second required meeting with the Art Selection Committee and includes a presentation of your concept and specific location of the artwork. Incorporate what you learned from the Conservation Consultation into your proposal. The concept should be feasible within the specified artwork budget.

Presentation materials might include:

- Working drawings or model
- Material and finish suggestions / sample materials
- Location on site plan, floor plan, or elevation

The Art Selection Committee provides feedback and directs you to proceed with the concept and location, proceed with refinements, or proceed in a different direction. If you are asked to proceed in a different direction, an additional concept presentation meeting with the Art Selection Committee may be required.



Virginia Paquette, *Millennium Garden* (detail), 2000. Granite, concrete, pavers, benches, and edging, 22" x 58" x 21". Commissioned by the Washington State Arts Commission in partnership with Bellevue Community College.

PROPOSAL DEVELOPMENT CONTRACT

STEP 5: CONSERVATION REVIEW

Once the Preliminary Concept Presentation has occurred and the Art Selection Committee has given their feedback, your AIPP Project Manager will contract the conservator with whom you met for your consultation to review your project proposal. The conservator will review:

- Appropriateness of materials, material compatibility, finishes, fabrication methods, hardware, and installation methods for the environment
- Reversibility of the artwork's installation, including the ability to remove components or the entire artwork without causing damage to the artwork and the surrounding environment
- Feasibility of routine maintenance procedures
- Expected lifespan of the work

ArtsWA may ask the conservator to offer alternative solutions if concerns are raised. The conservator may contact you if she has questions about your proposal.

For the Conservation Review you will be required to provide descriptive text and draft technical drawings. At least two months prior to the Final Proposal Presentation, you will deliver comprehensive proposal documentation to your AIPP Project Manager. The proposal documents should be developed based on feedback received at the Preliminary Concept Presentation and from your Conservation Consultation.

Conservation Review deliverables are listed on the next page.

PROPOSAL DEVELOPMENT CONTRACT

Elements of a thorough proposal include but are not limited to:

- ☐ written description of concept and imagery
- ☐ location of artwork on site/floor plan or photograph
- ☐ written description of the materials and finishes of each material under consideration
- ☐ scale renderings or maquette of artwork, labeled with dimensions, materials, and hardware. For 3-D artwork:
 - ✓ provide a minimum of 3 scale renderings of various views with materials, dimensions, and hardware labeled or
 - ✓ maquette and a schematic drawing that shows specific materials, dimensions, and hardware
- ☐ technical drawing showing component parts of the artwork and their attachment points, include hardware
- ☐ material samples and material data sheets where applicable
- ☐ technical installation drawing showing anchoring system to foundation, footing, and/or attachment point, include hardware
- ☐ technical drawing showing foundation and/or footing
- ☐ plaque materials, location, and dimensions
- ☐ anticipated routine maintenance (occurring at less than 5 year intervals)
- ☐ anticipated special maintenance (occurring every 5-20 years)
- ☐ artwork life expectancy
- ☐ indicate whether the work will be fabricated by the artist, a fabricator, or a combination (if a combination, include details about who will fabricate what)

Your AIPP Project Manager will provide you with a written Conservation Report when it is complete and has been evaluated by AIPP technical staff. Your AIPP Project Manager will request changes if any are recommended. Refinements must be complete and shared with your AIPP Project Manager before the Final Proposal Presentation. The anticipated condition of your artwork over the short and long terms must receive a “good” or “excellent” rating during the Conservation Review phase. If it does not, you will have the opportunity to improve the anticipated wear through proposal refinements negotiated with your AIPP Project Manager.

PROPOSAL DEVELOPMENT CONTRACT

STEP 6: FINAL PROPOSAL PRESENTATION

At the Final Proposal Presentation, the Art Selection Committee will accept, accept with refinements, or reject your proposal. In addition to the documentation used for the Conservation Review, your Final Proposal must also include:

- ☐ a budget, inclusive of WA. state sales or use tax (*see next page*)
- ☐ model releases and/or permissions for copyrighted material incorporated into artwork (*see Model Releases and Permissions, page 11*)
- ☐ timeline: target dates for structural engineer's stamp, purchase of materials, required permits, 50% completion, 100% completion, and installation (typically one year from proposal acceptance to installation or at the appropriate point in the building construction schedule, whichever is longer)
- ☐ public event ideas (lecture, dedication attendance, etc.)

Some committees must make a recommendation to their authorizing body before final acceptance can be made.

If the Art Selection Committee accepts with refinements, you can accept or reject the committee's request for refinement/s. If you reject the refinement request, a dialogue continues and the AIPP Project Manager assists in negotiating a mutually acceptable resolution. Mutual acceptance of the resolution must occur to proceed to a Commission Contract.

PROPOSAL DEVELOPMENT CONTRACT

A detailed budget is a required item of the Final Proposal documents. The total budget must match the artwork budget identified by the AIPP Project Manager. The artwork budget is the amount available after your proposal fee and reimbursable travel expenses are paid. All fabrication and installation costs must be included. Costs include but are not limited to:

- ☐ Washington State sales/use tax assessed at rate of installation site
- ☐ Washington State Labor and Industries filing fees (Intent and Affidavit forms)
- ☐ labor – artist and artist assistants
- ☐ labor – trade subcontractors at prevailing wages*
- ☐ materials and equipment
- ☐ identification plaque
- ☐ studio overhead costs
- ☐ insurance
- ☐ delivery of artwork to site
- ☐ artist travel costs
- ☐ installation per diem (meals, lodging for artist and crew)
- ☐ installation labor and equipment rental
- ☐ documentation of artwork for your portfolio and State Art Collection records
- ☐ public event (travel and per diem for dedication, demonstration, lecture, etc.)
- ☐ artist fee
- ☐ contingency (e.g., delays, storage, unforeseen fabrication costs, change in tax rate)
- ☐ inflation (accounts for increase in costs of goods and services to be purchased more than 12 months following proposal acceptance)

*prevailing wages may apply to subcontractors providing skilled labor in the trades according to Labor & Industries' standards and laws. (*See page 10.*)

PROPOSAL DEVELOPMENT CONTRACT

STEP 7: STAMPED STRUCTURAL ENGINEERING

Once you have proposal acceptance contingent on the Conservation Review, you are required to provide an original set of stamped structural engineer's drawings, specifications, analysis, and concise narrative report addressing in lay terms the materials, fabrication, and installation requirements from a licensed Washington State structural engineer, unless negotiated otherwise. You will be reimbursed for the structural engineering fee, as approved by your AIPP Project Manager per your Proposal Development Contract.

Stamped structural engineering provides for structural safety and transfers liability to the engineer when specifications are followed. Engineers may be called to provide specifications for an evaluation of seismic activity, wind load, live load, etc. Three distinct reviews may be required:

- Structural integrity of the artwork
- Attachments of the artwork to the base/footings, wall, or beam
- Structural integrity of the mounting structure (footing, wall, beam, etc.)

TRAVEL REIMBURSEMENT

You are reimbursed up to the current WA State government rate for the three required meetings. Reimbursable travel expenses can include ground, ferry and/or refundable air transportation, parking, lodging, and meals. Ground transportation includes mileage reimbursement for personal vehicle use, car rental, or taxi. To assure full reimbursement, you and your AIPP Project Manager should agree upon travel modes in advance. ArtsWA encourages the use of fuel efficient vehicles and carpooling.

Your AIPP Project Manager can book your refundable flight and car rental. When booked by the AIPP Project Manager, air travel and car rental is billed directly to ArtsWA. Other expenses are paid by you and then reimbursed by ArtsWA up to the allowable amount. When you book your lodging, request the government rate. Carry a copy of the Proposal Development Contract in case proof of government business is requested at check-in.

COMMISSION CONTRACT

Artists often visit the site outside of the three required meetings at their own expense. Travel expenses incurred for this research should be considered part of your proposal development fee.

COMMUNICATION WITH PARTNER AGENCY

Once the Commission Contract is signed, the direct communication line between you and the AIPP Project Manager transfers to you and the partner agency's capital project/facilities manager. Alternately, the partner agency may specify that you work directly with the general contractor or architect.

It is your responsibility to directly communicate with these individuals, as appropriate, regarding construction documents, engineering, permits, attachments, and installation scheduling. Direct correspondence should be copied to your AIPP Project Manager.

It is your responsibility to update your AIPP Project Manager throughout fabrication and installation. Should the general contractor and/or agency's capital project/facilities manager not be available, your AIPP Project Manager can facilitate these interactions.



Ellen Sollod, *Solar Chamber*, 2005. Carbon steel, automotive paint, dichroic glass, acrylic LEDs, battery, and solar panel, 176" x 84" x 84". Commissioned by the Washington State Arts Commission in partnership with South Seattle Community College.

CONTRACT AMOUNT

The Commission Contract amount is typically the $\frac{1}{2}$ of 1% of state funds generated from the capital construction project less the AIPP administrative fee, Collection Care fee, Conservation Consultation and Review costs, stamped structural engineering reimbursement, Proposal Development Contract fee, and travel reimbursement for your proposal development.

COMMISSION CONTRACT

STATE SALES/USE TAX

Washington State sales/use tax is included in the total Commission Contract amount. Occasionally tax rates change during the contract period and are your responsibility.

If you are an in-state artist, you pay sales tax directly to the Department of Revenue.* The sales tax rate is that of the installation site.

If you are an out-of-state artist, your project is subject to the state use tax for the installation site. ArtsWA deducts the use tax from the payments made to you. ArtsWA then directly pays the tax to the Department of Revenue.*

*For current tax rates refer to the Department of Revenue website:

<http://dor.wa.gov/content/findtaxesandrates/>

RESALE CERTIFICATE

You can obtain a resale certificate. When you provide vendors located in Washington with the resale certificate, sales tax is typically not charged on materials and services.

For resale certificate information contact 1-800-647-7706 or online:

<http://dor.wa.gov/Content/FindTaxesAndRates/RetailSalesTax/ResellerPermit/default.aspx>



Susan Point, *Sea to Sky* (detail), 1993. Stainless steel, Plexiglas, and florescent lights, 32" x 640" x 12". Commissioned by the Washington State Arts Commission in partnership with the Department of Natural Resources.

COMMISSION CONTRACT

PAYMENT SCHEDULE AND INVOICE SUBMITTAL

You and your AIPP Project Manager negotiate the Commission Contract's payment schedule. Typically there are 4 payments. When the Commission Contract and addendum, as required, are signed by all parties the AIPP Program Coordinator provides you with invoices. You submit each invoice with evidence of completion (photo documentation, certificate of insurance, permit copies, etc.). You can expect payment within 30 days of invoice submittal and approval by project manager.

Scheduled payments are made upon proof of completion of specific permitting, fabrication, and/or installation targets. Final payment is made 30 days following the installation of the artwork and identification plaque and receipt of the final reports, artist's statement, resume, and photographic documentation of the artwork as specified in the contract.

INSURANCE

You must carry studio insurance that covers against loss of the artwork by damage or theft. You are responsible for insuring your artwork during fabrication, storage, transport, and installation. Coverage should be at the amount of the Commission Contract.

You are also required to carry general liability insurance for installation that names ArtsWA and the installation site agency as co-insured. Refer to your Commission Contract for coverage details. A certificate of insurance must be on file with ArtsWA and the installation site agency in advance of the artwork installation. It is recommended that you maintain general liability coverage for the duration of the artwork's warranty period.

COMMISSION CONTRACT

PERMITS & SURVEYS

Depending on the artwork, you may be required to secure appropriate permits and surveys. For instance, if electricity is hardwired into the artwork, an electrical permit is required; if an artwork is placed in an exterior setting, a geological survey may be required. Shoreline permits are typically required when artworks are sited near natural and manmade water sources.

Allow adequate time to secure permits or conduct surveys. Check with the jurisdiction of the artwork site to calculate the approximate time required.

IDENTIFICATION PLAQUE

You are responsible for fabricating and installing an identification plaque based on the text and layout standards provided below. You determine the plaque size, font, and interpretive text appropriate to the artwork. Your AIPP Project Manager approves the final plaque text when the artwork is 50% complete in studio.

The location of the plaque should consider ADA (*see page 12*), be in the artwork vicinity, and be agreed upon by the partner agency. The plaque must be installed at the same time as the artwork.



Garth Edwards, *Greetings* (detail), 2006. Aluminum, variable dimensions. Commissioned by the Washington State Arts Commission in partnership with Mount Vernon School District.

Plaque Format:

Artist Name

Artwork Title, Date

Primary mediums (i.e. Oil on canvas or Copper, steel and enamel)

Washington State Arts Commission in partnership with **Partner Agency Name**
State Art Collection, **Accession #** (i.e. WSAC1997.073.00A-G)

Artist Statement (1-3 sentences to provoke artwork-related inquiry)

NOTE: **Bold** words should be replaced with artwork-specific text.

COMMISSION CONTRACT

INSTALLATION TIMELINE

Most Commission Contracts specify that the artwork will be installed within nine months of Final Proposal acceptance. If the artwork is integrated into new construction, the timeline and contract may be longer. In the event that construction is delayed, you may be responsible for artwork storage costs.

You are responsible for all installation expenses, except where specified in your contract. If there is an addendum, it is your responsibility to coordinate with the general contractor and/or capital projects/facilities manager for the obligations (materials, equipment, services) provided by the partner agency.

WARRANTY

Your Commission Contract will specify two types of warranty. Warranty of Title assures that the work is unique and does not infringe on any copyright.

The Warranty Against Defects guarantees that you have followed your structural engineering and the work is free from defective materials and/or faulty fabrication and/or installation techniques. Should the artwork fail within the warranty period, you will be contractually obligated to remedy the problem at no additional compensation. The standard warranty period is two years from ArtsWA acceptance and may be extended based on materials and complexity.

PUBLIC EVENT

Community engagement is important to ArtsWA. As part of the Commission Contract, you are required to participate in a minimum of one public event. The partner agency, the AIPP Project Manager, and you agree upon the format of the public event. Typically, the public event requires an additional visit to the artwork site. You should account for these travel expenses in your project budget.

Event possibilities include: dedication ceremony, demonstration, public lecture, and/or your participation at a staff/faculty in-service training. Depending on the artwork and your availability, more than one public event may be planned.

COMMISSION CONTRACT

PHOTO DOCUMENTATION

Upon installation, you will submit professional-quality photographic documentation. Photography should be delivered in digital format submitted on CD. Photographic documentation provides the AIPP Program with a visual record of your artwork for:

- Asset management
- Collection care
- Public information and education

To this end, we ask that photographic images be at least 5 inches wide (on the smaller dimension) at 300 pixels per inch and include:

- 1) The entire artwork in situ* (*publication quality*)
- 2) Each component of the artwork
- 3) Details for conservation – step-by-step fabrication or installation photographs that inform future conservation evaluations
- 4) Details for publication and education - highlighting textures, imagery, colors, etc.
- 5) Clear designation of which photographs are for documentation purposes versus which are intended for publication
- 6) Photograph(s) showing location of installed plaque and its full text
- 7) Name of photographer for credit (see Copyright and Reproduction Rights section of your Commission Contract for more information)
- 8) List of people appearing in photos, to help identify for future publication



Richard Elliott, *The Rainbow Bridge*, 1996. Reflectors on acrylic sheets, 192" x 72". Commissioned by the Washington State Arts Commission in partnership with Lake Washington School District.

*If the in situ image is taken during installation, move tools or crop equipment from photograph. AIPP welcomes updated photography, especially for exterior works when the landscape matures as you have envisioned.

COMMISSION CONTRACT

FINAL PROJECT DOCUMENTATION

In addition to photo documentation, final project documentation is required on a CD.

- 1) Artist's statement: one page statement (submitted in both hard copy and as a MS Word document, Rich Text File, or PDF) to foster community discourse, advance ideas, and enrich the community members' daily lives. The statement shall include a description of the artwork, your intent and imagery, and general description of construction techniques and materials.
- 2) Current professional resume: future generations of viewers will be interested in the artist creating this site-responsive artwork.
- 3) Detailed Artwork Report: a detailed record of fabrication techniques, exact materials used, specified colors, with attached material data sheets and product warranties supplied by the manufacturer, and cataloguing information. The record also addresses anticipated maintenance, desired appearance, and environmental factors affecting the artwork. This form can be downloaded at <http://www.arts.wa.gov/public-art/public-art-resources>.
- 4) Plaque text and photos of the plaque (in situ and detail).

RIGHTS AND REPRODUCTIONS

COPYRIGHT

You retain rights under copyright law to which the artwork, preliminary studies, drawings, specifications, and models may be subject. The Visual Artist Rights Act (VARA), which is part of copyright law, is addressed in your Commission Contract.

GRAPHIC REPRODUCTIONS

ArtsWA may make and use graphic reproductions of the artwork, including artist-provided two-dimensional graphic reproductions for non-commercial purposes, including, but not limited to, reproductions used in brochures, media publicity, and exhibition catalogues or similar publications provided that these rights are exercised in a tasteful and professional manner.

All reproductions by ArtsWA and you shall contain a credit line that includes your name, artwork title, date, credit line (“Washington State Arts Commission in partnership with [partner agency]”), and photography credit as designated by you.

If ArtsWA or the partner agency wishes to make reproductions for commercial purposes the parties shall execute a separate agreement.

ArtsWA and the partner agency are not responsible for any third party infringement of your copyright and are not responsible for protecting your intellectual property rights. It is understood that the artwork may be photographed by the public. Refer to the Commission Contract for more detailed information.



Cris Bruch, *Department of Forensic Morphology Annex*, 2004. Stainless and galvanized steel, 114” x 144” x 336”. Commissioned by the Washington State Arts Commission in partnership with the University of Washington.

ARTWORK STEWARDSHIP

Your completed artwork will become part of the State Art Collection. The State Art Collection is presented across Washington under the stewardship of ArtsWA and its partner agencies: the public schools, colleges, universities, and state agencies that are home to the artwork.

The partner agency is responsible for the routine maintenance of the artwork. Routine maintenance and special maintenance (tasks recurring every 5-20 years) are formally specified by the artist in the Detailed Artwork Report and by the Conservation Review. The partner agency is required to complete an inventory and condition status report every three years.

AIPP is responsible for the inventory and conservation of the State Art Collection, contingent upon sufficient funding by the State Legislature. *ArtCare, a Collections Management Framework for Washington State Art Collection*, provides the framework for the ongoing care of the State Art Collection through a comprehensive approach.

Should the artwork fail within the warranty period, you will be contractually obligated to remedy the problem at no additional compensation.

Should the artwork be damaged, the partner agency should notify AIPP, so reports can be filed and repairs made in accordance to *ArtCare*. You may be consulted as to the course of action for the repair of the artwork. You should maintain a current address and contact information with ArtsWA to allow this interaction.